

City of St. Charles, Illinois

Ordinance No. 2001-M-24

**An Ordinance Creating Chapter 12.40 of Title 12, "Streets Sidewalks
and Public Places," of the St. Charles Municipal Code
(City Corridor Improvement Program)**

**Adopted by the
City Council
of the
City of St. Charles
April 16, 2001**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, April 20, 2001**



City Clerk

(S E A L)

ORDINANCE NO. 2001-M-24

REFER TO:	
MINUTES	<u>4/16/01</u>
PAGE	

**AN ORDINANCE CREATING CHAPTER 12.40
OF TITLE 12 "STREETS SIDEWALKS AND PUBLIC
PLACES" OF THE ST. CHARLES MUNICIPAL CODE
(CITY CORRIDOR IMPROVEMENT PROGRAM)**

WHEREAS, the CITY OF ST. CHARLES is a home rule unit as provided in the 1970 Illinois Constitution (Article VII, Section Sec 6) and this ordinance is an exercise of its powers and performance of its functions pertaining to its government and affairs; and

WHEREAS, Section 48.2-1 of the Illinois Municipal Code (65 ILCS 5/11-48.2-1 et seq.) authorizes municipalities to exercise certain powers relative to preservation and enhancement of areas, places, buildings, structures, works of art and other objects having special historical, community or aesthetic interest or value; and

WHEREAS, the City Council of the CITY OF ST. CHARLES has determined that the general welfare of the residents of the CITY OF ST. CHARLES will be promoted by the enhancement of the major City arterials and Special Service Area 1b of the downtown of the City of St. Charles in the manner herein after provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

Section 1. That Title 12, "Streets, Sidewalks and Public Places" of the St. Charles Municipal Code, be amended by adding Chapter 12.40 entitled "City Corridor Improvement Program" as follows:

12.40.10 Purpose and intent.

- A. Purpose** – It is the purpose of this Chapter to promote and protect the public health, safety, and general welfare by providing for a streetscape improvement program to improve the aesthetics of major City arterials and improve public spaces within the SSA 1B portion of the downtown.
- B. Intent** – It is the intent of the City Council of St. Charles that the creation of this new program and the terms of this Chapter shall be construed so as to promote:
 - 1. The general improvement of private property to enhance the overall economic vitality and character of the City.
 - 2. The protection of the general welfare by aesthetically enhancing property in the defined City corridors.
 - 3. The maintenance of physical characteristics which contribute to community character by providing familiar visual features.

12.40.20 Definitions

As used in this Chapter, the following terms shall have the meanings set forth in this Section:

City Council: The City Council of the City of St. Charles, Kane and DuPage Counties, Illinois.

City Corridors shall refer to the portions of Kirk Road, Main Street (IL 64) and Randall Road which lie within the City corporate boundaries.

Corridor Improvement Agreement: Corridor Improvement Agreements will be signed by the Property Owner of Record before grant funds will be released. The Agreements will outline the responsibilities of the Property Owner and detail which improvements the grant will fund.

CIC: The City of St. Charles Corridor Improvement Commission.

Corridor Grants: 75% of the programs grant funding shall be available for landscaping improvements to private property (between the building and the ROW) for properties on Kirk Road, Main Street/IL 64, and Randall Road. Properties available shall be included in the corridor inventory being prepared by DLK Architecture as part of the Corridor Improvement Design Guidelines.

Demolition: Any act or process which destroys in part or in whole a building, structure, planting driveway, sidewalk, retaining wall, or site within the City Corridor.

Corridor Improvement Design Guidelines: The Corridor Improvement Design Guidelines are to be adopted by the Commission in September 2001. This document is being prepared by the consulting firm of DLK Architecture, Inc.

Downtown CIC Grants: 25% of the programs grant funding will be available to fund pedestrian improvements and placement of public art on properties within the SSA1B portion of the downtown.

Historic District: An area designated as an historic district by ordinance of the City of St. Charles pursuant to this Chapter.

Landscaping: The act of altering the portion of a private lot between the public ROW and building structure by including the plantings of perennial trees, shrubs, bulbs, and flowers, or adding streetscape elements such as plazas, retaining walls and benches.

Owner of Record: The person, corporation, or other legal entity listed as the owner of a property in the records of the Kane County or DuPage County Recorder.

12.40.30 Corridor Improvement Commission: establishment, composition, appointment of members.

- A. Establishment** – The St. Charles Corridor Improvement Commission (hereinafter “Corridor Commission”) is hereby established. Its functions and duties are limited to those set forth in this chapter.
- B. Composition** – The Corridor Commission shall be composed of seven commissioners. All commissioners shall be appointed by the Mayor with the advice and consent of the City Council. All commissioners shall serve without pay. Subject to the exceptions in paragraph “c” immediately below, each commissioner shall serve for a term of three years.

Commission members shall be chosen based upon their professional knowledge and commitment to the community and should include individuals who meet at least one the following criteria. Commission members should not be concentrated in any one area.

- Design professional such as a Landscape architect or artist.
- Land development professional such as a real estate developer/realtor, construction contractor/worker, or engineer.
- St. Charles business owner/managers -- with an attempt to represent the City’s three business districts (west gateway, central, and east gateway).
- One “at large” member who resides in the City corporate limits, but does not necessarily own a business within the City or work within the City.

Other beneficial skills, beyond the knowledge listed above, would be financial/accounting knowledge, interest in the arts (especially a working knowledge of public art), riverfront issues such as design or ecology.

- C. Appointment of Members** – Two of the seven commissioners initially appointed to the Corridor Commission shall serve for a term of one year; Three of the seven commissioners initially appointed shall serve for a term of two years; Two of the Commissioners and the Ex-officio member shall serve for a term of three years. Terms shall start on May 1. Determination of the initial term length (two or four year) shall be by lot. The first group of commissioners named in January 2001 will be appointed for terms to begin on May 7, 2001.
- D. Expiration or Vacation of Terms** – Members whose terms have expired may continue to serve until a successor is appointed, except in the case of a member who is removed for cause. A successor shall be appointed by the Mayor with the advice and consent of the City Council, and the successor shall serve for a term to end three years from the previous May 1st. Should any commissioner resign or be removed from the Corridor Commission, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term.

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12.40.50 Funding Source

A.) The source of funding for this program is Hotel/Motel tax receipts. The dollar amount available will be determined after funding has been set aside from the Hotel/Motel tax receipts for the St. Charles Convention and Visitors Bureau, Pride of the Fox Riverfest, Cultural Commission, and the City's Façade Improvement and Tree Commission programs.

B(1) Corridor Improvement Grants

The Corridor Improvement Commission will oversee the Corridor Improvement Grant Program. Two different grants will be available. **Corridor Grants** shall utilize 75% of the available funds and will be available for properties on Main Street/IL 64, Randall Road, and Kirk Road. The Commission will recommend grant awards to the City Council based upon their adherence to the Corridor Program Design Guidelines and ability to meet Commission Priorities as established in the Corridor Design Guidelines.

B(2) Downtown CIC Grants will comprise 25% of the funds and shall be utilized within the SSA1B district. These projects will include creation and enhancement of public plaza/common areas, improved pedestrian access, public art, and other aesthetic improvements. The project must meet the program purpose of improving the overall economic vitality of the community or adding to the community's overall character. Eligible projects include, but are not limited to, the buying and installation of art on both public and private property.

C. Eligible Costs under the Grant Program

Improvements

- Landscaping – limited to perennial plantings including trees and shrubs when in conjunction with an overall concept design for the area and in conformance to the design standards adopted by the CIC.
- River Retaining Walls – construction, repair, and rebuilding of walls utilizing masonry materials and conforming to preferred design standards and exceeding minimum standards of the City of St. Charles building code.
- Walls – construction, repair, and rebuilding of walls (non-building walls, such as those found in plazas or public areas) conforming to design standards and exceeding minimum standards of the City building codes.
- Walkways – sidewalks, pavers, plazas, and other permanent improvements designed primarily for pedestrian use.
- Public Art including murals, statues, building lighting, and fountains.
- Boulevard plantings and Public Plazas.

Improvements not specifically listed as eligible are subject to review as to eligibility by the CIC as an advisory body to the City Council.

12.40.60 Grant Application Procedures

- A. Applications for Corridor Improvement Grants shall be made to the Corridor Improvement Commission by completing the application form available from the Director of Economic Development.
- B. Within ninety (90) days of the date upon which all grant applications are due, the Commission shall consider all applications at their regularly scheduled public meeting and make a decision to approve or deny the grant applications. Notice of the time and place of the Corridor Commission Meeting shall be provided by the City in standard manner.


- C.** The Commission shall evaluate the property's eligibility for a grant based on its ability to meet the goals and priorities of the Commission as established in the Design Guidelines to be completed in September 2001.
- D.** The City Council shall consider the Corridor Improvement Agreements based upon recommendation from the Corridor Improvement Commission.

Section 2. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 16th day of April, 2001.


PASSED by the City Council of the City of St. Charles, Illinois, this 16th day of April, 2001.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of April, 2001.



Susan Klinkhamer, Mayor

ATTEST:




Kristie Nephew,
City Clerk

COUNCIL VOTE:

Ayes : 10
Nays : 0
Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 4/16/01

Counties of Kane and DuPage)

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.


I further certify that on April 16, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 2001-M-24, entitled

"An Ordinance Creating Chapter 12.40 of Title 12, "Streets Sidewalks and Public Places," of the St. Charles Municipal Code (City Corridor Improvement Program)",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2001-M-24, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 20, 2001, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 16th day of April, 2001.


Municipal Clerk

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